

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MOSES LINDEN RALPH

PLAINTIFF

V.

CIVIL ACTION NO. 5:20-CV-14-DPJ-MTP

SHAWN R. GILLIS

DEFENDANT

ORDER

This habeas petition is before the Court on the Report and Recommendation of United States Magistrate Judge Michael T. Parker recommending dismissal of this action. For the following reasons, his recommendation is adopted.

Petitioner Moses Linden Ralph filed a Petition for Writ of Habeas Corpus and Immediate Release from Custody pursuant to 28 U.S.C. § 2241, claiming Respondent Shawn R. Gillis detained him in immigration custody more than six months. Pet. [1] at 4–5. But after filing his petition, Ralph was deported from the United States, prompting Respondent to file a motion to dismiss the now-moot petition. Mot. [13] at 1–2. Judge Parker agreed and recommended that Gillis’s motion to dismiss be granted and Ralph’s habeas petition be dismissed with prejudice.

The Court agrees that Ralph’s petition is now moot because the Court “cannot grant the relief [he] requested.” *Salgado v. Fed. Bureau of Prisons*, 220 F. App’x 256, 257 (5th Cir. 2007) (citing *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987)). And because the petition no longer presents a live case or controversy under Article III, Section 2 of the United States Constitution, it should be dismissed.

In addition, the Court warned Ralph on February 11, 2020, “that his failure to timely comply with any Order of this Court or his failure to keep this Court informed of his current address will result in the dismissal of this case.” Order [2] at 2. Ralph never notified the Court

after his address changed, and two prior orders have been returned as undeliverable. *See* Notices [10, 12]. Likewise, Judge Parker's Report and Recommendation was returned as undeliverable. *See* Notice [15]. This presents an alternative basis to dismiss the petition.

The Court, having fully reviewed Judge Parker's Report and Recommendation, and being duly advised in the premises, finds that it should be adopted as the opinion of this Court. Gillis's motion to dismiss [13] is granted, and Ralph's habeas petition [1] is dismissed with prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 28th day of January, 2021.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE